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As a threshold issue, a county jail or workhouse is not a person that can be sued under 42 U.S.C. § 1983. Rhodes v. McDannel, 945 F.2d 117, 120 (6th Cir. 1991); *see also* Petty v. County of Franklin, Ohio, 478 F.3d 341, 347 (6th Cir. 2007)(a county sheriff's department is also not a "person" subject to liability under § 1983). Yet, as a *pro se* pleading, the Court must give Plaintiff's complaint a liberal construction. Haines v. Kerner, 404 U.S. 519 (1972). A *pro se* Plaintiff must plead more than bare legal conclusions, Lillard v. Shelby County Board of Education, 76 F.3d 716, 726 (6th Cir. 1996), and must meet the basic pleading requirements for a complaint to state a cognizable claim for relief. Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989). Plaintiff must allege facts that identify a right or privilege that was violated and the role that each defendant played in the alleged violation. Dunn v. Tennessee, 697 F.2d 121, 128 (6th Cir. 1982).

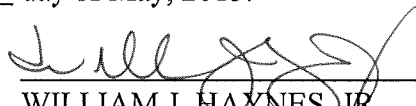
Plaintiff's allegations could state a claim against Giles County, the entity responsible for the operation of its jail. For Giles County to be liable, Plaintiff must allege facts suggestive of a "policy statement, ordinance, regulation or decision officially adopted and promulgated" by the county that violated his constitutional rights. Monell v. Department of Social Services, 436 U.S. 658, 689-690 (1978). A sheriff's acts in his official capacity are acts of the county. Brandon v. Holt, 469 U.S. 464, 471-72 (1985). The County owes a legal duty under the Eighth and Fourteenth Amendments to protect the personal safety of inmates, Hudson v. Palmer, 468 U.S. 517, 526-27 (1984); Thompson v. County of Medina, Ohio, 29 F.3d 238, 242 (6th Cir. 1994). Plaintiff's allegations of the non segregation of state and county inmates and a state inmate's attack on him that required brain surgery are suggestive of a policy not to segregate state prisoners convicted of serious crimes from county prisoners convicted of lesser crimes. *See* Walker v. Norris, 917 F.2d 1449, 1453 (6th Cir. 1990); Roland v. Johnson, 856 F.2d 764 (6th Cir. 1988). Thus, the Court concludes these factual allegations

state a claim against Giles County under the Eighth Amendment.

As to Defendant Mattox, Plaintiff does not identify Mattox by name in his statement of facts. Thus, the Court concludes that Plaintiff has failed to state a claim against Defendant Mattox and those claims should be dismissed.

An appropriate Order filed herewith.

ENTERED this the 16th day of May, 2013.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court